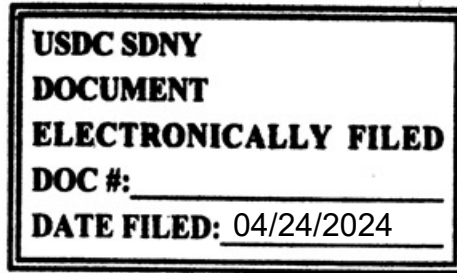


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April 18, 2024

VIA ECF

The Honorable Robert W. Lehrburger, USMJ
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Velasquez v. The Spice & Tea Exchange Distribution, LLC*
Case No.: 1:22-cv-07535-PGG-RWL

Dear Magistrate Judge Lehrburger:

The undersigned represents the Defendant, The Spice & Team Exchange Distribution, LLC, I, in this matter. This letter is written in response to Plaintiff's letter regarding discovery, docket entries 56 and 58.

Today, the undersigned has submitted a letter to Your Honor and the Honorable Judge Furman regarding discovery in this matter. That letter is incorporated herein. It is respectfully requested that the discovery be stayed pending the resolution of the motion to dismiss which has been pending for several months.

This is one of 100 website accessibility cases that Plaintiff has filed. Except this Defendant did not just write Plaintiff a check. A motion to dismiss was filed last year. Plaintiff continues to try to extract a payment from the Defendant by now proceeding with burdensome discovery. It is again respectfully requested that discovery be stayed—to hold otherwise would be to countenance the tactics of serial website Plaintiffs.

If the Court is not inclined to grant such relief, then the defense needs an additional two weeks to respond to the discovery demands served. Counsel has been out attending to medical emergencies and recent surgery of her mother. The extension is thus necessary since as I write, I am providing recovery care to my mother.

It also bears pointing out that there have been numerous requests for the Plaintiff to produce HIPPA release forms regarding the alleged disability and the electronics used to allegedly access Defendant's website. None have been provided.

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We, however, respectfully request that discovery be stayed. There was no discovery while the parties briefed the motion to dismiss which as stated above has been pending since last year.

We thank the Court for its consideration.

Respectfully,

Claudia A. Costa

Claudia A. Costa, Esq.

cc: All Counsel Of Record Via ECF

Defendant's request for a stay of discovery is denied. Defendant does not dispute the chronology presented by Plaintiff at Dkt. 56. Prior to Defendant's instant request for a stay, but after having failed to respond to discovery within the deadline to do so, defense counsel sought extension of time to respond to discovery, to which Plaintiff agreed. Up until Defendant's instant request for a stay, it appears that Defendant did not previously indicate to Plaintiff that Defendant would seek a stay rather than proceed with discovery. Accordingly, discovery will continue. However, Defendant's request for a two-week extension to comply with pending discovery requests is granted. Defendant shall comply with pending discovery requests by two weeks from entry of this order. Within the same two week period, Plaintiff shall comply with pending discovery sought by Plaintiff, including providing executed HIPPA release forms. The Clerk of Court is respectfully directed to terminate the letter motion at Dkt. 56.

SO ORDERED:



04/24/2024

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE